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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS DE LEON ESCOBAR,

Defendant.

CASE NO.: 2:15-mj-249-DJA

ORDER

Request)

TO CONTINUE

HEARING DATE (First

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, Susan Cushman, Assistant United States Attorney, counsel for the United States of America and Chris Rasmussen, Esq., counsel for defendant Luis De Leon Escobar:

THAT THE PRELIMINARY HEARING CURRENTLY SCHEDULED FOR August 13, 2021, at 4:00 p.m. before U.S. Magistrate Judge Daniel Albregts be vacated and set to a time convenient for the Court, but no earlier than 60 days from the current setting.

This stipulation is entered into for the following reasons:

1. The government will provide counsel for the defendant with limited Rule 16 Discovery in order to facilitate a pre-indictment resolution. Counsel for the defendant

1 requests an opportunity to review the discovery and discuss it with his client prior to
2 a preliminary hearing or an indictment.

- 3 2. Defense counsel and counsel for the government agree to the continuance.
- 4 3. The defendant is not detained and agrees to the continuance.
- 5 4. Denial of this request for continuance could result in a miscarriage of justice.
- 6 5. The additional time requested by this Stipulation is excludable in computing the time
7 from the filing of the criminal complaint through which the government must assert
8 a criminal Information or seek an Indictment by the Grand Jury pursuant to the
9 Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when
10 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)
11 and 3161(h)(7)(B)(iv).
- 12 6. This is the first request for a continuance.

13 Dated this 9th day of August 2021.

14 Respectfully Submitted,

15 CHRISTOPHER CHIOU
16 United States Attorney

17 /s/ Susan Cushman
18 SUSAN CUSHMAN
19 Assistant United States Attorney

20 /s/ Chris Rasmussen
21 CHRIS RASMSEN
22 Counsel for defendant Escobar
23
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FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The period within which the government may assert an Information or seek an Indictment through the Grand Jury against the defendant is hereby extended from the date of the filing of the complaint up through and including October 13, 2021.
2. The government will provide counsel for the defendant with limited Rule 16 Discovery in order to facilitate a pre-indictment resolution. Counsel for the defendant requests an opportunity to review the discovery and discuss it with his client prior to a preliminary hearing or an indictment.

3. Both counsel for the defendant and counsel for the government agree to the continuance.

4. The defendant is not detained and agrees to the continuance.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6. This is the first request to continue the preliminary hearing.

For all of the above-stated reasons, the end of justice would best be served by a continuance of the preliminary hearing.

ORDER

IT IS ORDERED that the preliminary hearing currently scheduled for August 13, 2021, at 4:00 p.m. be vacated and continued to October 18, 2021, at 4:00 p.m., Courtroom 3A.

DATED this 10th day of August 2021.



UNITED STATES MAGISTRATE JUDGE
DANIEL J. ALBREGTS